IN RE:

PETITION FOR VARIANCE

E/S Old York Road, 930' N of the

c/l of Jackson Ridge Court (14525 Old York Road)

10th Election District

6th Councilmanic District

Jacksonville Church of God

Petitioner

\* BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-436-A

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 14525 Old York Road, located in the vicinity of Paper Mill Road in Phoenix. The Petition was filed by the owner of the property, Jacksonville Church of God, through David A. Jennings and Arthur W. Robar, Trustees. The Petitioners seek relief from Section 413.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one bulletin board-type sign containing 100 sq.ft. in total area in lieu of the maximum permitted 30 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Reverend Robert W. Groves, Pastor of the Jacksonville Church of God, and William Ulrich, Professional Engineer with Gerhold, Cross and Etzel, who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 3.525 acres, more or less, zoned, R.C.2, and is improved with an existing church building and accessory parking area for the Jacksonville Church of God. Also located on the property is an identification sign of

sign with a bulletin board-type sign in accordance with that depicted on Petitioner's Exhibit 1. Clearly, the proposed sign will actually be smaller than the existing sign which has been on the property for many years. The Church wishes to upgrade the existing sign with a more modern sign which will allow them to advertise worship times as well as other messages. However, in order to replace the existing sign as proposed, the requested variance is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It has been established that the proposed sign will replace an existing sign which has been on the property for many years. Moreover, the proposed sign will actually be smaller than the existing sign. Furthermore, there were no adverse comments from any

Baltimore County reviewing agency, nor any opposition from any adjoining property owner. Therefore, it appears that the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4% day of June, 1997 that the Petition for Variance seeking relief from Section 413.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one bulletin board-type sign of 100 sq.ft. total area in lieu of the maximum permitted 30 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

For Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 4, 1997

Rev. Robert W. Groves, Sr. Jacksonville Church of God 14523 Old York Road Phoenix, Maryland 21131

RE: PETITION FOR VARIANCE

E/S Old York Road, 930' N of the c/l of Jackson Ridge Court

(14525 Old York Road)

10th Election District - 6th Councilmanic District

Jacksonville Church of God - Petitioner

Case No. 97-436-A

Dear Rev. Groves:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, luly by Hotroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Messrs. David A. Jennings and Arthur W. Robar
Jacksonville Church of God, 14525 Old York Road, Phoenix, Md. 21131

People's Counsel; Case Files

RE: PETITION FOR VARIANCE	*	BEFORE THE
14525 Old York Road, E/S Old York Rd,		
930'+/- N of c/l Jackson Ridge Court	*	ZONING COMMISSIONER
10th Election District, 6th Councilmani	C	
, and the second se	*	OF BALTIMORE COUNTY
Jacksonville Church of God Trustees		
Petitioners	*	CASE NOS. 97-436-A

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Roter Mary Zimmeiman PETER MAX ZIMMERMAN

> People's Counsel for Baltimore County

ole S. Samilie

Poter May Zimmanan

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE
nat on this \_\_\_\_\_\_\_ day of May, 1997, a copy of I HEREBY CERTIFY that on this the foregoing Entry of Appearance was mailed to Rev. Robert W. Groves, Sr., Jacksonville Church of God, 14523 Old York Road, Phoenix, MD 21131, Petitioners.



# tion for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 14525 Old York Road

which is presently zoned

RC 2

This Petition shall be filed with the Department of Permits & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.1 B: ONE BULLETIN BOARD TYPE ILLUMINATED SIGN CONTAINING 100 SQ. FT. TOTAL AREA, BOTH SIDES IN LIEU OF THE

REQUIRED 30 SQ. FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

NOTE: SEE ATTACHED EXHIBIT A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are legal owner(s) of the property which is the subject of this Petition.	the
Contract Purchaser/Lessee:			Legal Owner(s):	
(Type or Print Name)		<del></del>	Jacksonville Church of God (Type or Print Name) Trustees	
Signature			Blignature A. Jersing TRUSTE	
Address			(Type or Print Name)	
City	State	Zipcode	SIGNATURE W. RABAR , TRYST ARTHUR W. RABAR	E
Attorney for Petitloner:			• •	
(Type or Print Name)		<del></del>	14525 Old York Rd. Address Phone No	
			Phoenix, Md. 21131	
Signature		<del></del>	City State Zipcode Name, Address and phone number of representative to be contacted.	
Address	Phone No.	**************************************	Rev. Robert W. Groves, Sr.	
City	State	Zipcode	14523 Old York Rd. 1-410-527-02	53
			OFFICE USE ONLY	,
			ESTIMATED LENGTH OF HEARING unevailable for Hearing	<b>-</b>
5)			the following dates Next Two Months	,
Printed with Soybean Ink			ALLOTHER	
Revised 9/5/05			REVIEWED BY: DATE 4-8-9	)

GORDON T LANGDON

EDWARD F DEIACO-LOHR

BRUCE E, DOAK

#### GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

> 410-823-4470 FAX 410-823-4473

EMERITUS.

PAUL G. DOLLENBERG
FRED H DOLLENBERG
CARL L. GERHOLD
PHILIP K CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

#### **EXHIBIT A**

The church proposes to replace the existing illuminated bulletin board sign located in front of the church on Old York Road with a new Illuminated, more legible sign. The new sign will actually contain 17 square feet less than the old sign.

There will be no injury to public health, safety, or general welfare. The new sign will be consistent and harmonious with other church-type bulletin board signs in the area.





GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

#### GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

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CARL L GERHOLD
PHILIP K CROSS
OF COUNSEL
JOHN F EYZEL
WILLIAM G ULRICH

March 27, 1997

## Zoning Description Jacksonville Church of God 14525 Old York Road

Beginning for the same on the east side of Old York Road, as widened, at a distance of 921 feet Northerly from the centerline of Jackson Ridge Court, running thence and binding on the east side of Old York Road, as widened, by a line curving to the right having a radius of 886.17 feet and for an arc distance of 98.78 feet and North 20 degrees 02 minutes East 125.45 feet, thence leaving the Old York Road and binding on and running through the land of the herein Petitioner the five following courses and distances viz: North 88 degrees 17 minutes East 894.44 feet, South 03 degrees 17 minutes West 94.48 feet and South 88 degrees 17 minutes West 386.90 feet, South 01 degree 43 minutes East 116 feet and South 88 degrees 17 minutes West 577.22 feet to the place of beginning.

Containing 3.451 Acres, more or less.



436

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Peguiations of Baltimore County will hold a public hearing in Tower Son. Mankang on the property identified herein as follows:

Case: F97-436-A 14525 Old York Road ES Old York Road, 930' +/- N of oll-tackson-Rigge Court, (With Parion-District (B) Councileraetic (B) Councileraetic

Solsonswie Charch droop

LAWRENCE E. SCHMIOT
Zoning Commissioner for
Battimore Courts
MOTES. (1) Hearings are
Handicapped Accessible, for
special
Please Call Research
(2) For information concerning the File andfor Hearing,
Please Call 887-3391.

C137626 4/365 April 24

# CERTIFICATE OF PUBLICATION

ţ

TOWSON, MD..

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive THIS IS TO CERTIFY, that the annexed advertisement was weeks, the first publication appearing on H/2H

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  FICE OF FINANCE - REVENUE DIVISION ISCELLANEOUS CASH RECEIPT	028673
DATE 4-8-97 ACCOUNT ROOT-	
JACKSONVILLE Church of foor	14523. OLD YORK Po.
UNR. (020)	
02A918007AN3F3BE RA_C009552AB94-00-97	६२५म, ११४
VALIDATION OR SIGNATURE OF CASHIES	" JCM

CERTIFICATE OF POSTING

RE- CAME NO. 97-436-A

Petitioner/Developer JACKSONVILLE CHULCH OF GOD.

Date of Henring/Closing 5/20/97

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesnpeake Avenue Fowton, MD 21204

Attention: Mr. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law

were posted conspicuously on the property located at + 14525 OLD YORK PD.

The sign(s) were posted on

4/15/97 (Month, Day, Went)

Patrick M. O'Keele

(Printed Name)

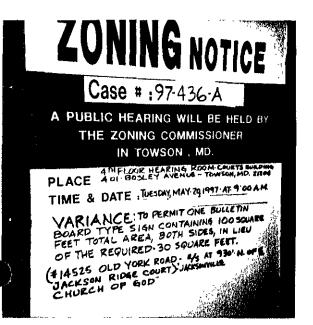
523 Penny Lane (Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

Foger [410] 546 835 (Lelephone Humber)

e ext does



FITTIS OUR LOFELKE.

#### **CERTIFICATE OF POSTING**

RE	; Case No.:436-A
	Petitioner/Developer: VACKSONVILLE. CHURCH OF GO.
	C/o BILL ULRICH
	Date of Hearing/Closing: 5/20/97
	@ 9:00 AM - AMFL

C,C,BLDG,

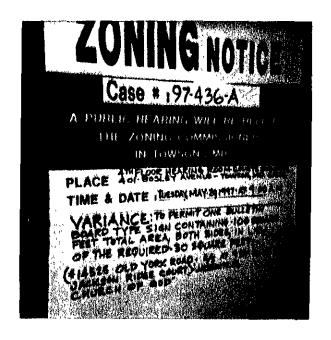
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penaltie were posted conspicuously on the proper	s of perjury that the nec ty located at <u># 14</u>	essary sig 1525	gn(a) requir	YORK	<u>R</u> D
And the second s					<del>-</del> '
The sign(s) were posted on	4/25/9 (Month, Day, Ye				<b></b> '

Sincerely, 25/97
(Signature of Sign Poster and Date)
Patrick M. O'Keefe
(Printed Name)
523 Penny Lane
(Address)
Hunt Valley, MD 21030
(City, State, Zip Code)
(Telephone Number)



# 14525 OLD YORK. R.D.
JACKSONVILLE CHURCH OF GOD.
P. 4/25/97

(B)

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

#### **ZONING NOTICE**

Case No.: 97-436-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *					restricted to the second	NA
DATE AND T	IME:*					
REQUEST:	VARIANCE	70	PERMIT	OWE	8% DO	arle
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	LE OF					
	ERMITTED					
						,
POSTPONEME	ENTS DUE TO WEAT	HER OR OTH	ER CONDITIONS	ARE SOMETI	MES NECESS	ARY

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

\*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

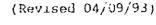
#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 436
Petitioner: Jacksoniille Church of Goo.
Location: 14525 Old York Ro.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: REU. POREPT GROVES, SP.
ADDRESS: 14523 Old YORK Po.
Phoenix, Md. 21131
PHONE NUMBER: 410-527-0253

AJ:ggs





TO: PUTUXENT PUBLISHING COMPANY
April 24, 1997 Issue - Jeffersonian

Please foward billing to:

Rev. Robert Groves, Sr. Jacksonville Church of God 14525 Old York Road Phoenix, MD 21131 410-527-0253

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-436-A
14525 Old York Road
E/S Old York Road, 930'+/- N of c/l Jackson Ridge Court
10th Election District - 6th Councilmanic
Legal Owner(s): Jacksonville Church of God

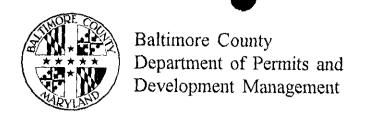
Variance to permit one bulletin board type sign containing 100 square feet total area, both sides, in lieu of the required 30 feet.

HEARING: TUESDAY, MAY 20, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 18, 1997

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-436-A
14525 Old York Road
E/S Old York Road, 930'+/- N of c/l Jackson Ridge Court
10th Election District - 6th Councilmanic
Legal Owner(s): Jacksonville Church of God

Variance to permit one bulletin board type sign containing 100 square feet total area, both sides, in lieu of the required 30 feet.

HEARING: TUESDAY, MAY 20, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

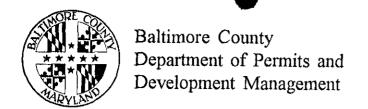
Arnold Jablon Director

Rev. Robert W. Groves, Sr.

cc:

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 5, 1997.

  (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
  - (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 16, 1997

Messrs. David Jennings & Arthur Robar Jacksonville Church of God 14525 Old York Road Phoenix, MD 21131

RE: Item No.: 436

Case No.: 97-436-A

Petitioner: Jacksonville Church

Dear Messrs. Jennings & Robar:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 8, 1997.

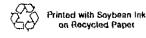
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely, Cont Richard

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)



#### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

April 22, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

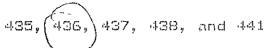
Location: DISTRIBUTION MEETING OF April 28, 1997

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:



REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 28, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 28, 1997 Item Nos. 435, 436, 438 and 441

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE428.NOC

#### BALTIMORE COUNTY, MARYLAND

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

T0:

MOS

OATE:

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee 21,97
Meeting Date: Cpr. 1,97

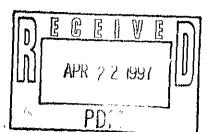
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

436)

RBS:sp

BRUCE2/DEPRM/TXTSBP



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: April 18, 1997

FROM: Arnold F. "Pat" Keller, III, Director Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 436

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by

Division Chief

AFK/JL



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 4 · 18 · 97 RE:

Item No. 436

JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

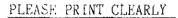
Ronald Burns, Chief

**Engineering Access Permits** 

P. A Bredh

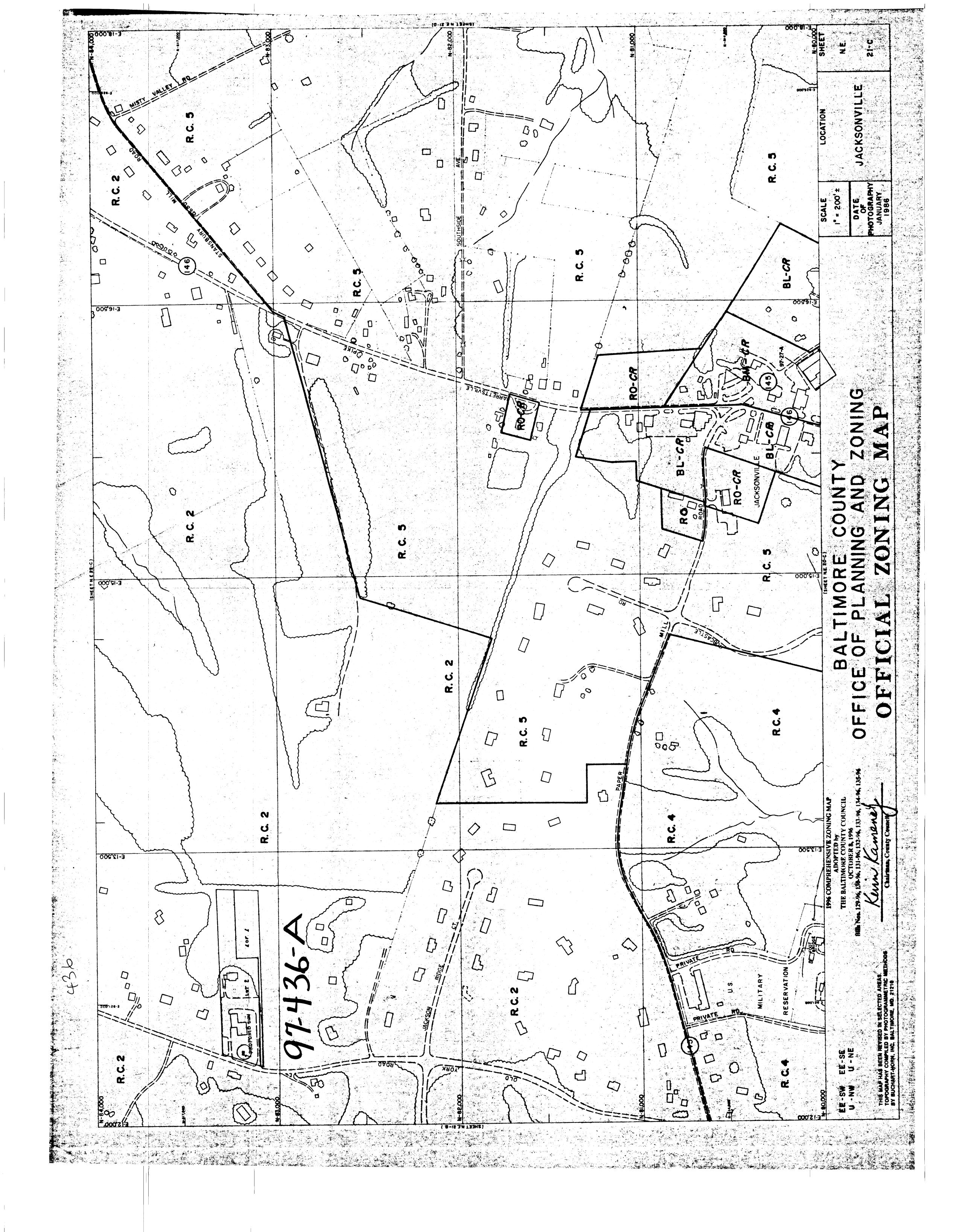
Division

LG

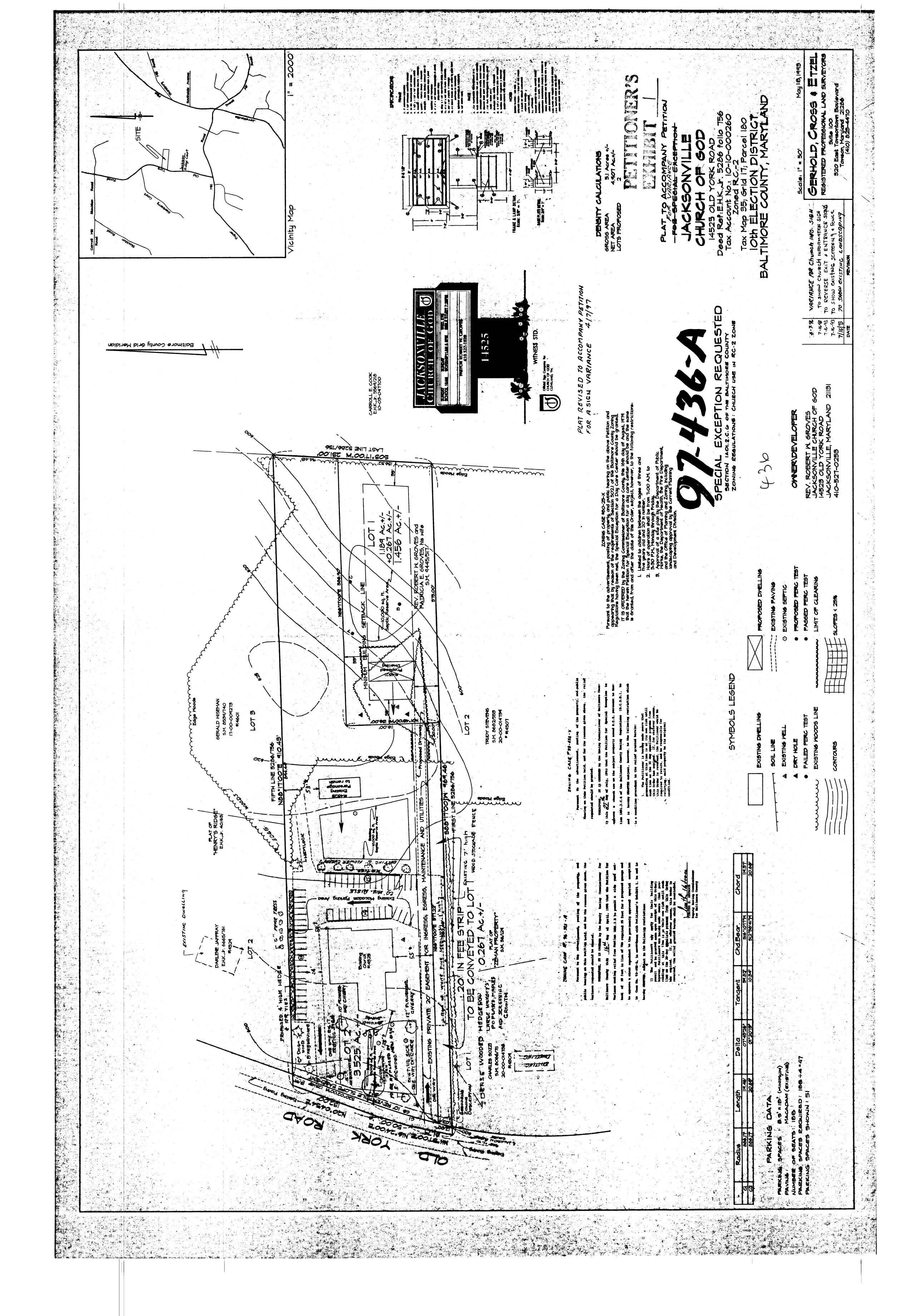


#### PROTESTANT (S) SIGN-IN SHEET

NAME	ADDRESS			
William Uliziah	GC & E 110 E TOWN TOWN Blud			
REV. ROBERT W. GROVES	14523 OLD YORKRO PHOFNIX MO21131			



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